

**BILL NO. 2021-1  
ORDINANCE NO. 738**

**An Ordinance amending Title 4, Chapter 1 entitled PUBLIC HEALTH AND SAFETY, PUBLIC NUISANCE of the City Code of the City of Ely replacing chapter 1 in its entirety regarding Public Nuisances.**

**WHEREAS**, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

**NOW, THEREFORE, the City Council of the City of Ely DOES AMEND ELY CITY CODE TITLE 4, CHAPTER 1, AS FOLLOWS:**

**Section 1.     Ordinance Enactment**

**4-1-1: GENERAL PROVISIONS:**

A. Title: This chapter shall be known as the *NUISANCE ORDINANCE OF THE CITY OF ELY*, may be cited as such, and will be referred to hereafter as the "nuisance code".

B. Purpose And Scope:

1. It is determined and declared as follows:

a. The city has a substantial and legitimate interest in seeing that its community, including property, buildings and premises within its limits, is kept in a safe and aesthetically pleasing condition;

b. The keeping or maintaining of property, buildings and premises at variance with the level of maintenance of surrounding properties will result in blighting and/or unsafe conditions and substantial diminution in the employment, use, aesthetic and property values of such surrounding properties; and

c. It is desirous to promote the maintenance of property, buildings and premises in order to enhance the community appearance, and the safe, social and economic conditions of the community.

2. The purpose of this chapter is to protect the health, safety and welfare of the citizens of the city and to promote the maintenance of property, buildings and premises in order to enhance the livability, community appearance, and the safe, social and economic conditions of the community.

3. This chapter shall apply to all property, buildings and premises within the city without regard to the use, the date of construction or alteration.

4. The city council prefers that actions to declare and abate a public nuisance proceed through municipal court; however, nothing prohibits city officials from proceeding before the city council.

#### **4-1-2: DEFINITIONS:**

Any term used herein in the singular shall include the plural, and any such term used in the plural shall include the singular. The word "person" shall include any natural person, firm, company, partnership or corporation, and the provisions of this chapter shall apply to any owner, lessor or lessee of the premises.

**ABANDONED VEHICLE:** Any vehicle:

- A. Upon a city street, highway or road which is so disabled or in which a state of disrepair that its normal operation is impossible or impractical;
- B. That has been left unattended and dangerously close to a travel lane on a city street, highway or road so as to possibly impede traffic; or
- C. Which has not been moved or used for more than fourteen (14) consecutive days and reasonably appears to have been deserted.<sup>1</sup>

**ABATEMENT:** The removal, stoppage or destruction of that which causes or constitutes a public nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.

**CITY:** The city of Ely.

**CITY COUNCIL:** The city of Ely city council.

**CLASSIC ROD:** Any passenger car or light commercial vehicle entitled to registration with the Nevada department of motor vehicles as a "classic rod" which:

- A. Has a manufacturer's rated carrying capacity of one ton or less; and
- B. Was manufactured not later than 1949, but at least twenty (20) years before the date of application for registration.<sup>2</sup>

**CLASSIC VEHICLE:** Any passenger car or light commercial vehicle entitled to registration with the department of motor vehicles as a "classic vehicle" which:

- A. Has a manufacturer's rate carrying capacity of one ton or less;
- B. Was manufactured at least twenty five (25) years before the date of application for registration; and
- C. Contains only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.<sup>3</sup>

**JUNK VEHICLE:** A vehicle, including component parts, which:

- A. Has been ruined, wrecked, dismantled or rendered inoperative;
- B. Is unfit for further use in accordance with the original purpose for which it was constructed;
- C. Is not registered with the Nevada department of motor vehicles; and
- D. Has value principally as scrap which does not exceed two hundred dollars (\$200.00).<sup>4</sup>

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<sup>1</sup>NRS § 487.210.

<sup>2</sup>NRS § 482.3814.

<sup>3</sup>NRS § 283.3816.

<sup>4</sup>NRS § 487.260(6).

**OCCUPANT:** Legal entity that, through rights of ownership or rental, has the use and enjoyment of the subject real property for residential or commercial purposes.

**OWNER:** A legal entity listed as current or rightful owner as recorded in the official records of the White Pine County recorder's office.

**PREMISES:** Land and the building or structures upon it.

**PROPERTY:** Any real property, real estate, land, lot, or part of real property, real estate, land or lot.

**RESPONSIBLE PARTY:** A tenant, occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land and, in the case where the demolition of a structure is suggested as a means of abatement, any lienholder whose lien interest is recorded in the official records of the White Pine County recorder's office.

**RUBBISH:** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**STREET ROD:** Any passenger car or light commercial vehicle entitled to registration with the Nevada department of motor vehicles as a "street rod" which:

- A. Has a manufacturer's rate carrying capacity of one ton or less; and
- B. Was manufactured not later than 1948.<sup>5</sup>

**STRUCTURE:** A walled and roofed building or manufactured home that is principally aboveground.

**TRAILER:** Any wheeled tow behind a vehicle that can be utilized for any intended commercial, private, residential or industrial function.

**UNREGISTERED VEHICLE:** Any vehicle or component thereof on which there is not displayed evidence of current registration with the Nevada department of motor vehicles or current registration with a similar agency of another state.

**VEGETATION WHICH IS A PUBLIC NUISANCE:** Any natural or person planted products that have been allowed to grow unkept and have become hazardous, a fire hazard or have become a rodent, diseased or insect determined habitat upon any open, graded or improved parcel, lot or property within the city limits.

**VEHICLE:** A piece of mechanical equipment intended for the conveyance or temporary housing of persons or personal property or parts thereof, including, but not limited to, automobiles, trucks, boats, campers, camper shells, vans, motor homes, converted buses, motorcycles, ATVs and similar vehicles.

**WEEDS:** A useless and troublesome plant of negligible or no value and usually of uncontrolled growth.

#### **4-1-3: PUBLIC NUISANCE UNLAWFUL:**

It shall be unlawful for any person to commit or maintain a public nuisance, or wilfully omit or refuse to perform any legal duty relating to the removal of any such public nuisance, and it shall be unlawful for any person to rent or lease, or permit to be used, any building or portion thereof,

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<sup>5</sup>NRS § 482.3812.

knowing that the same is intended to be, or is being used for, committing or maintaining any such nuisance.

#### **5-1-4: PUBLIC NUISANCES ENUMERATED:**

Each and all of the things, properties, acts, commissions, omissions, performances, failures and operations in this section set forth, within the limits of the city, are hereby declared to be and are, and each of them is, declared to be and is a public nuisance:

A. Businesses, premises and acts. Any business, occupation, premises, act or thing which is not ordinarily a nuisance per se, is, and each of them is, hereby declared to be a nuisance when, by reason of its or their location, nature, time or method of operation, or effect, it or they shall intend to injure or interfere with the health, peace, comfort, convenience, safety or enjoyment of the public or one or more persons in the neighborhood.

B. Every place:

1. Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefore is kept; or
2. Wherein any fighting between animals and/or birds shall be conducted; or
3. Wherein any dog races are conducted as a gaming activity; or
3. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or
4. Wherein controlled substances, immediate precursor as defined in Nevada Revised Statutes 453.086 or controlled substance analog as defined in Nevada Revised Statutes 453.043 is unlawfully sold, served, stored, kept, manufactured, used or given away; or
5. Where vagrants resort.

C. Every act unlawfully done and every omission to perform a duty, which act or omission:

1. Shall annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons;
2. Shall unlawfully interfere with, defoul, obstruct or tend to obstruct, or render dangerous for passage or use, a lake, river, stream, canal, ditch or public park, square, street, alley, bridge or highway; or
3. Shall in any way render a considerable number of persons insecure in life or the use of property.

D. Dangerous blasting. Blasting, when the same is injurious to neighboring property owners or to neighboring property.

E. Explosives. The manufacture, storing or keeping of explosives in large quantities, without the special permission of the city council.

F. Unguarded cellar doors. Cellar doors on sidewalks, when not properly guarded or protected.

G. Dangerous excavations. Excavations so close to any public street or alley as to render it dangerous for a person using the way lawfully and with ordinary care, unless such excavation is properly guarded against the occurrence of accident.

H. Obstruction on streets or alleys. The obstruction of any street or alley, or part thereof, except such part as may be necessary in the erection and construction of buildings or other improvements upon the adjoining property.

I. Offensive matter. The discharge of any sewage, garbage, refuse or other noxious matter in any street, alley, gutter or highway. The accumulation of refuse and other waste to the point it annoys, injures or endangers the safety, health, comfort or repose of any person.

J. Dense smoke. Any chimney, stationary engine, boiler, smokestack or other machine, engine, receptacle, pipe or conduit from which is emitted black or dense smoke or fumes, or smoke, fumes or gases containing soot, cinders or other matter, at such times or places or in such quantities as to be injurious to the public health or as to result in such deposits of soot or other substances as to injure or interfere with the health, comfort, peace or enjoyment of neighboring residents.

K. Noxious or dry weeds. Weeds which are by their nature noxious or which when dry constitute a danger or menace of catching or spreading of fire.

L. Vegetation which is a public nuisance. Any natural or person planted products that have been allowed to grow unkept and have become hazardous, a fire hazard, or become a rodent, diseased or insect determined habitat upon any open, graded or improved parcel, lot or property within the city limits.

M. Burning weeds and rubbish. The burning of weeds or other rubbish, except with the permission of, and in accordance with, the regulations of the proper authorities by obtaining a burn permit from the city fire department when sanctioned.

N. Public nuisance shall further mean any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack, vehicle, or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:

1. By reason of being a menace, threat and/or hazard to the general health and safety of the community.

2. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.

3. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, and/or failing to complete improvements of any nature, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

O. Hazardous materials. Any substance as defined as a hazardous material by the code of federal regulations 49 or any substance defined as a hazardous waste by the code of federal regulations 40, which, because of improper transportation, storage, use or disposal, may cause an unreasonable risk to safety, health and/or property. The spill or escape of any such substance may, in the discretion of the fire chief or police chief, be immediately declared a public nuisance and ordered abated at the expense of the at fault party and/or owner of such substance.

P. Outside storage of vehicles, trailers, equipment, building material and other property, unless protected in such manner as to prevent the harboring of insects, flies, rodents, snakes and other animals.

Q. Junk, abandoned and/or unregistered vehicles.

1. Except as stated herein, the keeping of, for any reason, any junk, abandoned and/or unregistered vehicle or vehicles on any highway, street or other thoroughfare or upon any public or private property within the city.

2. The provisions of subsection Q1 of this section do not apply to:

a. Persons licensed pursuant to Nevada Revised Statutes section 487.050 or 487.410;

b. Junk or unregistered vehicles on private property of a licensed dealer, manufacturer, distributor or rebuilder of vehicles;

c. Junk or unregistered vehicles on private property used as a farm, ranch, mine or licensed vehicle repair shop;

d. Junk or unregistered vehicles on private property used by any person engaged in the restoration of one or more vehicles entitled to registration as a street rod, classic rod or classic vehicle;

e. No more than two (2) junk vehicles that do not qualify under subsection Q2a through Q2d of this section;

f. No more than two (2) unregistered vehicles which:

(1) Are on private property and, if on the ground, have all tires inflated and affixed thereto or, if raised, have all tires affixed thereto.

(2) Have no shattered window glass, and the hood, fender, doors, trunk and all other body components affixed thereto and maintained in a closed position, and have not sustained collision damage.

3. The abandonment of a vehicle upon any highway, street or other public thoroughfare, or upon any public or private property within the city.

4. The police chief or any peace officer who has reasonable grounds to believe a vehicle has been abandoned shall attach a notice to said vehicle, in the form of a citation for illegal parking, and if said vehicle has not been removed within forty eight (48) hours after such notice is attached to said vehicle, the police chief or peace officer is authorized to remove or cause to be removed any such vehicle from any street, highway, public thoroughfare, public or private property, for the purpose of storage or disposition, to any garage or storage facility within the city.

5. If the owner of the junk, abandoned and/or unregistered vehicles fails to remove the vehicle as designated in the notice of violation served under subsection Q4 of this section, the city manager, the building inspector, the fire chief, the chief law enforcement officer or the city engineer, or any of them or their authorized designee, is authorized to have the junk, abandoned and/or unregistered vehicle towed from the place of violation to a designated place. The owner of the abandoned vehicle, including secured parties and the owner and any secured parties of the junk or unregistered vehicle, as well as the property owner or responsible party where the junk or unregistered vehicle is improperly located, shall be held liable for the costs of removal and storage.

#### **4-1-5: WRITTEN COMPLAINT OF EXISTENCE OF PUBLIC NUISANCE:**

Whenever a written complaint is filed with the office of the city clerk alleging the existence of a "public nuisance", as defined herein, within the city, the office of the city clerk shall have the appropriate city official investigate said complaint. Nothing herein shall prevent the police chief, fire chief, building inspector or other city personnel from identifying and reporting a nuisance.

#### **4-1-6: INVESTIGATION OF WRITTEN COMPLAINT:**

The official to whom such notification is given by the city clerk, shall investigate the facts claimed to amount to a nuisance and shall report verification, or lack thereof, to the city clerk within three (3) days.

#### **4-1-7: NOTICE OF PROPERTY OWNER AND OCCUPANT:**

A. Prior to providing written notice to the property owner and/or occupant as provided for in subsection B of this section, the police chief or his designee, fire chief or his designee, or building official or his designee, may mail a notice of the complaint regarding the nuisance to the owner or appropriate person in charge or in control of the premises upon which the nuisance exists. Such written notice shall provide that the commencement of work to remove the nuisance must take place within a maximum of ten (10) days of mailing of the notice, otherwise, the nuisance shall be filed with the city clerk for further action.

B. Upon receipt of the verification required by section 4-1-6 of this chapter, or if the nuisance is not removed as prescribed by the notice provided by the police chief, fire chief or building official, the city clerk shall, unless the matter is referred to the city attorney as provided hereafter, mail by certified mail, return receipt requested, a notice of the complaint of existence of a nuisance to the owner or appropriate person in charge or in control of the premises upon which the nuisance exists. As a separate or additional remedy, the city manager may provide the city attorney's office a copy of all investigative material for the purpose of filing an action in the municipal court for prosecution of a violation of this code and abatement of the nuisance. In the event of a conviction in municipal court, the judge, in addition to his or her other customary sentencing powers, may exercise any of the powers conferred upon the city council upon a finding that a public nuisance exists.

#### **4-1-8: PROVISIONS OF NOTICE:**

If the city clerk elects to serve notice on the appropriate person, the notice shall require:

A. Time Limit For Removal: Commencement of work for the removal of the nuisance within five (5) days after mailing of the notice, and removal of the nuisance by a specified date which shall be within a reasonable time after the commencement of the work; or

B. Hearing Request: Within five (5) days of the mailing of the notice, a request in writing from the owner or other appropriate person that a hearing be held before the city council to determine if in fact a nuisance does exist, whether such nuisance should not be abated or removed, or that it be shown that there is no nuisance or that the nuisance was caused by the city. The date specified in the notice by which the owner or other appropriate person must abate the condition is tolled for the period during which a hearing is requested and a decision is received.

C. Evidence Presented At Hearing: The city council may proceed to take evidence at the hearing so noticed and the person so noticed is entitled to be heard.

#### **4-1-9: ABATEMENT ORDER BY CITY COUNCIL:**

After such hearing, if in the judgment of the majority of the city council a nuisance does in fact exist, the city council shall order the same to be abated or removed within such reasonable time as the city council shall designate and the city council shall instruct the city clerk to give notice



to the owner or other appropriate person in the manner herein above set out, to abate and remove the same, which said notice shall require the commencement of work, to abate or remove the same within five (5) days after proof of receipt of said notice and to complete the same within a reasonable time thereafter as designated by the city council.

#### **4-1-10: ABATEMENT BY CITY:**

A. Authorized: If no hearing request is submitted pursuant to 4-1-8(B) and If work to abate and remove said nuisance is not commenced within said five (5) day period after proof of receipt of said notice and posting of notice, or said nuisance is not abated or removed within the reasonable time designated by the city council, the city, through its various departments, shall have authority to enter upon the property to abate or remove the nuisance, and upon the completion of said abatement, departments shall file with the city clerk a statement of costs to include the amount of work done, all expenses and costs incurred of any nature whatsoever, a description of the premises upon which the work was done, and the name of the person, if known, chargeable with such costs and expenses, all as more specifically set forth hereafter. The city council thereupon at a regular meeting shall determine if said costs and expenses were proper, the name of the person chargeable therewith and the description of the premises against which a lien shall be placed.

B. Lien For Cost Of Removal: The city council shall provide that the expenses of removing or abating the nuisance shall be a lien upon the property upon which the nuisance is located. Such lien shall be perfected by certified mail of a notice of the lien to the owner, or other appropriate person, and forwarded to the last known address as set forth in Nevada Revised Statutes section 268.4124(4)(a), and by filing with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

C. Extent Of Abatement: In abating such nuisance, the city shall go to whatever reasonable and just extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage any material derived from the aforesaid abatement, the city may sell the salvaged material at public sale for the best price obtainable and shall keep an accounting of the proceeds thereof.

D. Proceeds Of Sale Of Materials: The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the city shall be deposited to the general fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as a lien against the property in question by the city council and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the public nuisance was first abated when a proper claim to the excess is established.

E. Assistance Utilized In Abatement: In abating a public nuisance, the city council may call upon any of the city departments or divisions for whatever assistance shall be deemed necessary or may by private contract cause the abatement of the public nuisance.

F. Statement Of Costs Filed: The city shall, within fifteen (15) days after completing the removal and abatement, cause a statement of costs to be filed with the city clerk.

#### **4-1-11: NOTICE OF ASSESSMENT:**

A. Contents Of Notice: Upon receipt of the statement of costs, the city clerk shall provide, by certified mail or hand delivery, to the property owner of the property on which the public nuisance has been abated, notice of the amounts set forth in the statement, plus an additional



amount sufficient to defray the costs of the notice and stating that the costs of abating the nuisance is a lien upon the property. The city clerk shall further state the full amount must be paid within twenty (20) days of the certified mail or hand delivered notice or an objection filed within twenty (20) days of the certified mail or hand delivered notice. If the payment or objection is not received, the city clerk shall perfect the lien by filing a statement with the county recorder of the amount of expenses due and unpaid.

B. Objection; Hearing: If objection of either the property owner or their representative are received by the city clerk prior to the expiration of the twenty (20) day period, the city clerk shall refer the matter to the city council for review at the next regular meeting. The owner shall be notified in writing by regular mail that the city council shall hear evidence concerning the statement of costs at the specified date and time.

C. Uphold Of Decision: If, after the hearing, it is determined the proposed lien or any part of it is proper and authorized, the city council shall direct the city clerk to record with the county recorder a statement of the amount of expenses due and unpaid and a description of the property subject to the lien.

#### **4-1-12: OVERHEAD CHARGE, CIVIL PENALTIES:**

The city council may provide any other civil penalties for persons responsible for such nuisance as the city council deems proper under the circumstances.

#### **4-1-13: ABATEMENT COST COLLECTION:**

Nothing herein contained shall prevent the maintenance of a suit by the city against any of the persons herein mentioned to collect the expense of such abatement or removal or the prosecution criminally under the ordinances of the city of any person creating, maintaining, causing or committing a nuisance or owning or in possession, charge or control of the real property upon which a nuisance is created, maintained, caused or committed.

#### **4-1-14: NATURE OF LIEN:**

Any lien for the expense of abatement and civil penalty as provided herein shall:

A. Be perfected by filing with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien, which sum shall include any civil penalty assessed by the city and shall bear interest at the rate of ten percent (10%) per annum unless otherwise mandated by law.

B. Be coequal with the latest lien thereon to secure the payment of general taxes.

C. Not be subject to extinguishment by the sale of any property on the account of the nonpayment of general taxes.

D. Be prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes.

#### **4-1-15: REMEDIES CUMULATIVE:**

A. Generally: The remedies herein are cumulative and the city may proceed under one or more such remedies.

B. Violations: In addition to any cost incurred, any person in violation of any of the provisions of this nuisance code:

1. Upon conviction, shall be guilty of a city offense and punished as provided in section 1-4-1 of this code;

2. Shall be subject to the abatement notices, appeal procedures and lien or civil action provisions of this chapter;

3. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings; and

4. Upon a finding by a court of competent jurisdiction that a nuisance exists, the court may order the city to secure and close the property. In addition, the court may order the owner to pay the city for all costs and fees incurred by the city in abating the condition and order any other appropriate relief.

C. Transfer Not Relief: The transfer of any and all interest in any manner of any property, building or premises against which a notice of violation has been issued shall not relieve the parties served with such notice.

D. Requirements For Transfer: Any legal entity, real or statutory, who transfers an interest, including, but not limited to, a sale, trade, lease, gift or assignment in any property, building or premises against which a notice of violation has been served shall either:

1. Obtain a written assumption of liability from the new owner of record for the items listed in the notice of violation; or

2. Acknowledge, in writing, its responsibility for compliance with the notice of violation.

A copy of the assumption or acknowledgment shall be presented to the city within ten (10) days of the transfer.

E. Responsible Person: The owner of record, as recorded in the county recorder's office records, of the property upon which a violation of this nuisance code shall be presumed to be a person having lawful control over the property, building or premises. If more than one person shall be recorded as the owner, said person shall be jointly and severally presumed to be persons having lawful control over the property, building or premises.

#### **4-1-16: EMERGENCY DECLARATION AND ABATEMENT:**

All contrary provisions in this chapter notwithstanding, whenever the building inspector or in his or her absence, the city clerk or designee, determines a public nuisance exists and the public health, safety or welfare may be in immediate danger, then he or she shall notify the mayor and/or a majority of the city council who may call an emergency council meeting, in accordance with the open meeting law, to seek an abatement order from the city council. When emergency abatement is authorized, notice to the owner is not required prior to abatement; however, the provisions regarding notice of the statement of costs shall apply.

#### **4-1-17: METHOD OF ADOPTION AND EFFECT OF CHAPTER:**

That upon adoption, the city clerk is hereby directed to have the ordinance codified herein published, by title only, together with the council members voting for or against its passage, in the Ely Times newspaper, a newspaper printed and published in the city, for at least one publication.

This chapter shall be effective upon the publication mentioned above.

This chapter shall apply to all nuisances concerning any properties, conditions and uses with the city irrespective of whether the nuisance, use or condition was commenced or existed prior to the addition of this chapter.

**Section 2. Effective Date.** This ordinance shall become effective twenty days after its passage, approval, and publication according to law.

**Section 3. Proposing Parties.** The foregoing ordinance was proposed by Councilman Alworth, at the regularly scheduled meeting of the Ely City Council on January 28, 2021, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

**Section 4. Notice.** Notice of filing of such ordinance was duly given by publication as required by law.

**Section 5. Reading.** It was read in full at the regular meeting on \_\_\_\_\_ and adopted by the following vote:

**VOTE:**

**AYES:** \_\_\_\_\_

**NAYES:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
**NATHAN ROBERTSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JENNIFER LEE, CITY CLERK**

**Approved as to form and content**

\_\_\_\_\_  
Shain G. Manuele, Esq. City Attorney

